

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

DARLENE DAUGHTRY, et al.,

Plaintiffs,

v.

FAMILY DOLLAR STORES, INC.,

a Delaware Corporation,

Defendant.

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Civil Action No. 1:08-cv-963 SLR

PROPOSED JOINT DISCOVERY PLAN

Pursuant to the Court's August 13, 2009 Order, Plaintiffs Darlene Daughtry, Kelvin Daughtry, Candace Saunders, Hope McCain, Claudia Benson, Sylvia Cooper, Daisy Harris, and Monique Walker (collectively, "Plaintiffs") and Defendant Family Dollar Stores, Inc. ("Family Dollar") submit the following proposed Joint Discovery Plan:

1. Pre-Discovery Disclosures

Family Dollar served its initial disclosures on August 24, 2009. Plaintiffs served their initial disclosures on August 25, 2009.

2. Discovery

- (a) Discovery will be needed on the following subjects: Plaintiffs' employment and relations with Defendant, Defendant's pertinent actions, policies and procedures, Plaintiff's allegations of discrimination and or retaliation, the circumstances that led to each of the Plaintiffs' termination from employment, any alleged damages, and the extent to which Plaintiffs mitigated their damages.
- (b) All documentary discovery shall be completed by December 1, 2009.
- (c) Plaintiffs will serve 100 Interrogatories. Defendant will serve 50.
- (d) A maximum of 20 requests for admissions will be served by each party on any other party.

- (e) The number of depositions allowed per party and the deadline for fact discovery will be determined at the December 7, 2009 Discovery Conference at 4:30 p.m. in Courtroom 6B, 6th Floor, Federal Building, 844 King Street, Wilmington, Delaware.
- (f) Each deposition will be limited to a maximum of seven (7) hours unless extended by agreement of parties.
- (g) Reports from retained experts under Rule 26 (a) (2) on issues for which any party has the burden of proof are due by April 26, 2010. Rebuttal expert reports will be due by June 2, 2010.
- (h) **Discovery Disputes.** Any discovery dispute shall be submitted to the court pursuant to Fed. R. Civ. P. 37. The court shall make itself available, however, to resolve through a telephone conference, disputes that arise during the course of a deposition and disputes related to entry of a protective order.

3. **Joinder of Other Parties, Amendment of Pleadings, and Class**

Plaintiffs propose that all motions to join other parties or amend the pleadings shall be filed on or before December 16, 2009. Defendant objects to Plaintiffs proposal and instead proposes that all motions to join other parties or amend the pleadings shall be filed on or before October 16, 2009.

4. **Settlement Conference**

Pursuant to 28 U.S.C. §636, this matter is referred to a Magistrate Judge for the purposes of exploring ADR.

5. **Summary Judgment Motions**

All summary judgment motions shall be served and filed by July 12, 2010. No summary judgment motion may be filed more than 10 days from the above date without leave of the court. Briefing shall be pursuant to D.Del. LR 7.1.2. So all answering briefs shall be served and filed by July 26, 2010. All reply briefs shall be served and filed by August 2, 2010.

6. Applications by Motions

Any application to the court shall be by written motion filed with the clerk. Unless otherwise requested by the court, counsel shall not deliver copies of papers or correspondence to chambers. Any non-dispositive motion shall contain the statement required by D. Del. LR 7.1.1.

7. Motions *in Limine*

All motions *in limine* shall be filed on or before October 19, 2010. All responses to said motions shall be filed on or before October 26, 2010.

8. Pretrial Conference

A pretrial conference will be held on November 2, 2010 at 4:30 p.m. in Courtroom 6B, 6th floor, Federal Building, 844 King Street, Wilmington, Delaware. The Federal Rules of Civil Procedure and D. Del. LR 16.4 shall govern the pretrial conference.

9. Trial

This matter is scheduled for a one (1) week jury trial commencing on November 15, 2010 in Courtroom 6B, 6th floor, Federal Building, 844 King Street, Wilmington, Delaware. For purposes of completing pretrial preparations, the parties should plan on being allocated a total number of hours in which to present their respective cases.

Respectfully submitted,

/s/ John M. LaRosa

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Respectfully submitted,

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